NPT/CONF.2005/PC.III/WP.30

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

21 May 2004

Original: English

Third session
New York, 26 April-7 May 2004

Chairman's working paper

As agreed by the Committee at its third session, the Chairman transmits herewith to the Review Conference issues and proposals that required further discussion by the Committee, that are non-binding on States parties and without prejudice to any other issues and proposals that States parties may wish to bring to the attention of the Review Conference.

I. Outstanding paragraphs from the draft final report of the Committee contained in document NPT/CONF.2005/PC.III/CRP.4

A. [Provisional agenda] - Paragraph 34

34. [At its third session, the Committee recommended the provisional agenda as contained in annex [...] to the present report for adoption by the Conference. It also agreed to the proposed allocation of items to the Main Committees of the Conference as contained in annex [...] to the present report.]

(i) The following was considered by the Committee, as contained in document NPT/CONF.2005/PC.III/CRP.3:

"2000 NPT Review Conference Agenda"

1. Opening of the Conference by the Chairman of the third session of the Preparatory Committee.
2. Election of the President of the Conference.
3. Statement by the President of the Conference.
4. Address by the Secretary-General of the United Nations.

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5. Address by the Director General of the International Atomic Energy Agency.

6. Submission of the final report of the Preparatory Committee.

7. Adoption of the rules of procedure.

8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee.

9. Election of Vice-Presidents.

10. Credentials of representatives to the Conference:

    (a) Appointment of the Credentials Committee;

    (b) Report of the Credentials Committee.

11. Confirmation of the nomination of the Secretary-General.

12. Adoption of the agenda.

13. Programme of work.

14. Adoption of arrangements for meeting the costs of the Conference.

15. General debate.

16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:

    (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

        (i) Articles I and II and preambular paragraphs 1 to 3;

        (ii) Article VI and preambular paragraphs 8 to 12;

        (iii) Article VII with specific reference to the main issues in (a) and (b);

    (b) Security assurances:

        (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);

        (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones;

(i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII;

(d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V.

(e) Other provisions of the Treaty.

17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

18. Reports of the Main Committees.

19. Consideration and adoption of Final Document(s).

20. Any other business."

(ii) Amendment proposals to agenda item 16:

(a) *add after the word "Conference"*: "and taking note of the 2000 Review Conference." [Canada]

(b) *add after the word "Conference"*: "and taking appropriate note of the 2000 Review Conference." [United States of America]

(c) *add after the word "Conference"*: "and the Final Document of the 2000 Review Conference." [Algeria, Canada]

(d) *add after the word "Conference"*: "and the Final Documents of all review conferences, including the Final Document of the 2000 Review Conference." [Russian Federation]

(e) *amend above proposal by the Russian Federation, as follows*: "and the Final Documents of all Review Conferences, in particular the Final Document of the 2000 Review Conference." [South Africa]

(f) *retain* "Review of the operation of the Treaty as provided for in its article VIII, paragraph 3" *and delete the remainder of the chapeau* [China]

(g) *add after the word "Conference"*: "and the Final Documents of the 1975, 1985 and 2000 Review Conferences" [Canada, as Coordinator of consultations on agenda item 16]

(h) *add after the word "Conference"*: "and the Final Documents of the 1975, 1985 and 2000 Review Conferences" [NAM and other States]

(i) *add to the above proposal by the NAM and other States the following phrase*: "as well as developments relevant to the Treaty." [Canada]

(j) *amend above proposal by Canada, as follows*: "and subsequent developments related to the Treaty." [United States of America]

(k) *add after the word "Conference"*: "developments related to the implementation of the Treaty and the outcome of the 1975, 1985 and 2000 Review Conferences." [Chairman]

B. [Background documentation] –paragraphs 36 - 39

36. [At its third session, the Preparatory Committee decided to invite the Secretary-General to prepare papers on various articles of the Treaty, taking into account the decisions on strengthening the review process for the treaty and on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East, adopted in 1995, as well as the outcome of the 2000 Review Conference.

37. Consistent with the approach applied for the preparation of background documentation for the 2000 Review Conference, the following general approach should apply to the proposed papers. All papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on developments in the period since the 2000 Review Conference and on the implementation of the outcome of that conference, as well as the decisions on strengthening the review process for the Treaty and on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference. The papers should be made available in advance of the 2005 Review Conference.

38. Specifically, the Secretariat of the United Nations is requested to prepare documents on the following topics to reflect developments related to the implementation of the Treaty and the

outcomes of the 1995 NPT Review and Extension Conference and the 2000 Review Conference, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized:

(a) Implementation of the tenth preambular paragraph (comprehensive nuclear-test-ban), reflecting developments since the 2000 Review Conference;

(b) Implementation of articles I and II, drawing on the relevant discussions and results of all prior review conferences and taking into account recent and current developments in the area of nuclear non-proliferation. To the extent necessary, the paper would include cross-references to matters discussed in the paper by the International Atomic Energy Agency on article III;

(c) Implementation of article VI, covering developments regarding cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament;

(d) Implementation of article VII, addressing proposals for the establishment of nuclear-weapon-free zones where they have not yet been established;

(e) Developments regarding security assurances, dealing with both positive and negative security assurances and reflecting developments in the Conference on Disarmament and the United Nations and proposals within the ambit of NPT;

(f) Implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, reflecting developments since 2000 with a view to realizing the objectives of the resolution;

(g) Realization of the goals of the Treaty in various regions of the world.

39. The Preparatory Committee also asks that the following be made available to the 2005 Review Conference, also reflecting developments since the 2000 Review Conference:

(a) Documentation prepared by the IAEA regarding its activities relevant to articles III, IV and V;

(b) A memorandum from the secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean regarding its activities;

(c) A memorandum from the secretariat of the Pacific Island Forum regarding its activities related to the Rarotonga Treaty;

(d) A memorandum from the secretariat of the African Union regarding its activities related to the Pelindaba Treaty;

(e) A memorandum from the depositary of the Bangkok Treaty regarding its activities related to the Treaty.]

Amendment proposals to paragraph 38:

(a) *amend paragraph 38 (a), as follows*: "Implementation of the tenth preambular paragraph (comprehensive-nuclear-test-ban), ***[in consultation with the Preparatory Commission for the CTBTO]***, reflecting developments sincew the 2000 Review

Conference;" [Ireland, as Coordinator of consultations on background documentation]

(b) *amend paragraph 38 (f), as follows*: "Implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, ***[and recommendations on the Middle East adopted by the 2000NPT Review Conference,]*** reflecting developments since 2000 with a view to realizing the objectives of the resolution; [NAM and other States]

C. [Recommendations]

42. [In accordance with the 1995 decision on strengthening the review process for the Treaty and the Final Document of the 2000 Review Conference, and taking into account the deliberations and results of its previous sessions, the Committee agreed at its third session to recommend to the 2005 Review Conference to consider the establishment of subsidiary bodies to take up issues of the Main Committees of the Conference.]

Amendment proposals to paragraph 42:

(a) *delete the words* "to the 2005 Review Conference to consider the establishment of subsidiary bodies to take up issues of the Main Committees of the Conference" *and insert the following*:

- "that the 2005 Review Conference consider arrangements to reinforce the authority and effectiveness of the Treaty;
- that the Review Conference consider recognizing that the Additional Protocol, together with a comprehensive safeguards agreement, now represents the verification standard under Article III of the Treaty;
- that the Review Conference consider ways of strengthening control of the most sensitive parts of the nuclear fuel cycle." [Canada]

(b) *replace paragraph 42 with the following text:*

"In accordance with the '2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I' (NPT/CONF.2000/28) and the decision on 'Strengthening the Review Process for the Treaty' (NPT/CONF.1995/32/DEC.1), and taking into account the deliberations and results of its previous sessions, the Preparatory Committee agreed to recommend:

- that the 2005 Review Conference consider the further strengthening or enhancement of the review process, including with regard to the institutions of the Treaty;
- the establishment of subsidiary bodies, in accordance with rule 34 of the draft Rules of Procedure for the 2005 Review Conference to consider, respectively, issues related to nuclear disarmament, safety and security of peaceful nuclear programmes, security assurances, regional issues with particular reference to the 1995 Resolution on the Middle East;

- that the Review Conference consider the further strengthening or enhancement of the regular reports provided for in accordance with the 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, Final Document;
- that the Review Conference consider the steps and other actions that could be undertaken to promote disarmament and non-proliferation education, with particular reference to the Treaty on the Non-proliferation of Nuclear Weapons." [NAM and other States]

(c) *amend the above proposal by the NAM and other States, as follows:*

"In accordance with the '2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I' (NPT/CONF.2000/28) and the decision on 'Strengthening the Review Process for the Treaty' (NPT/CONF.1995/32/DEC.1), and taking into account the deliberations and results of its previous sessions, the Preparatory Committee agreed to recommend:

- that the 2005 Review Conference consider the further strengthening ~~or enhancement of the review process, including with regard to the institutions of the Treaty~~ **of the NPT against withdrawal and non-compliance, including through the establishment of procedures and mechanisms towards that end**;
- the establishment of subsidiary bodies, in accordance with rule 34 of the draft Rules of Procedure for the 2005 Review Conference to consider, respectively, issues related to nuclear disarmament, safety and security of peaceful nuclear programmes, security assurances, regional issues with particular reference to the 1995 Resolution on the Middle East;
- that the Review Conference consider the further strengthening or enhancement of the regular reports provided for in accordance with the 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, Final Document;
- that the Review Conference consider the steps and other actions that could be undertaken to promote disarmament and non-proliferation education, with particular reference to the Treaty on the Non-proliferation of Nuclear Weapons." [Germany]

II. Proposal for inclusion of new paragraph in the draft report of the Committee contained in document NPT/CONF.2005/PC.III/CRP.4 [NAM and other States]

Insert new paragraph 2 (bis):

"In accordance with the '2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I' (NPT/CONF.2000/28) and the decision on 'Strengthening the Review Process for the Treaty' (NPT/CONF.1995/32/DEC.1), the third session of the Preparatory Committee has been mandated and tasked to undertake the following:

- 'Each session of the Preparatory Committee should consider specific matters of substance relating to the implementation of the Treaty and Decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty.'

- 'At its third and, as appropriate, fourth sessions, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference.'

- 'The States parties agreed that the procedural arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee.'

- 'The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference.'

- 'The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue' (of security assurances)."